

Get Help with Common Real Estate Disputes: an Interview of Michael Farah of Farah Legal

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Tell us a little bit about your firm and the areas of law that you practice?

- Real Estate Document Preparation (sales contracts, leases, deeds, etc.)
- Entity Formation
- Asset Protection
- Landlord/Tenant Services (Evictions)
- Real Estate Deeds
- Commercial Real Estate Consulting
- Owner Financing Transactions
- Title Transfers
- Real Estate Closing Services
- Real Estate Liens
- Litigation Services
- Insurance Disputes Farm
- Farm and Ranch Legal Services

Michael Farah

Michael Farah, the founder and managing attorney of the Farah Law Firm, takes extensive pride in every aspect of law. Mike graduated from the University Of New Hampshire School Of Law with a Juris Doctor and an L.L.M. in Intellectual Property. A native Texan, he completed his undergraduate studies at the University of Texas at Austin, where he majored in Political Science. Mike also manages a real estate brokerage firm, and his broad range of experiences in both law and business allow him to tackle complex issues and find optimal solutions. Part of his success stems from his ability to communicate effectively with his clients and associates, as well as his ability to work as part of a team while managing others. Simply put, Mike brings knowledge, dedication, and a positive outlook to virtually any situation. Mike is licensed to practice law in Texas and New York. He is also a licensed Realtor® in the state of Texas and an avid real estate investor. Michael enjoys giving back to the community that has embraced him and the firm so well. Michael also directs a 501C(3) Non-profit Organization, which gives back to those that need financial assistance with housing. Giving back to the community has always been an important part of our business, and we strive to do so whenever time allows.

Wayne Taylor

Wayne Taylor received his Juris Doctorate degree from the Texas Wesleyan University School of Law in 2012. While in law school, Mr. Taylor interned with the David Dewhurst for Lieutenant Governor Committee along with working with various other campaigns in the Fort Worth area. Mr. Taylor was also a member of the Texas Wesleyan Center for Law and Intellectual Property, a program that allowed him to engage in dialogue with scholars and practitioners at the forefront of intellectual property issues through conferences.

What are the most common real estate disputes that you handle regarding the purchase and sale of homes in Tarrant County?

The typical concern we face, at least on behalf of sellers is what level of detail that is required on the sellers disclosure form which can lead to problems between buyers and sellers in the future. This and other types of mistake more often leads to eventual breaches of contract cases, which is the most common dispute. There are also lots of potential disagreements that can arise during a transaction which can lead to one party's failure to perform in one way or another.

We also tend to see lots of liens and other encumbrances arise during the sale of property which need tending to quickly in order to effectuate a sale.

Can you briefly describe what a nondisclosure case is?

Fraudulently or knowingly disclosing known defects in a home. A common instance we see is known defects in the house prior to the sale this could include something as simple as hiding a crack in the wall to something as drastic a busted pipe hidden by a rug or a known flooding issue that is not always apparent to a homebuyer or an inspector.

How does an attorney help home buyers when the seller failed to disclose a defect in the house or property that was sold?

We would engage with the seller to discuss the undisclosed defect in an attempt to resolve the issue. We try a non-litigious route first, prior to litigation, and sometimes, if those efforts fail, we can force the parties to mediate the dispute amicably e terms of the contract. Sometimes, litigation is the only route to a resolution depending on the severity of the issue.

Are there circumstances when a buyer/seller can back out of the sale of residential property?

There are almost always circumstances in which both buyers and sellers can back out of a contract. The question becomes what liability either party has for backing out of the contract. This can be a financial, or required performance liability. A parties liability under the contract is determined by the terms of the contract which can and should be negotiated before signing. We highly suggest home buyers and sellers review and understand the ramifications for inaction, or backing out of a contract prior to signing.

What would you recommend that a home buyer and/or seller should do before hiring a lawyer to help settle a real estate dispute?

An open and honest conversation regarding a dispute is usually the best place to begin. However, the potential ramifications of informal discussions and the delay that is usually created make it advisable to first talk to an attorney before even beginning those conversations. Most reputable attorneys will typically help guide your actions prior to having to spend lots of money just to talk to someone.

When should I let my agent handle the dispute and when is a good time to have an attorney get involved?

While most real estate agents and brokers are capable of handling straight forward residential real estate transactions we always suggest the use of an attorney when it comes to situations that are outside of the box or transactions that are of very high value, ie: One million dollars or more. We also suggest utilizing attorneys on unique or non-traditional properties and purchases. There can be unexpected consequences for something as simple as failing to strike a sentence or utilizing a wrong "form contract" which realtors are universally known to do, and most of the time, required to pursuant to the applicable law. Buying a home is possibly one of the largest purchases a person will make in their lifetime; I would highly discourage using a non-lawyer to resolve disputes regarding performance under a contract.

What's the best way for people to reach your firm?

Our philosophy at the firm is to always be available to our clients. Michael or Wayne, the attorneys make it a point to personally return all phone calls, emails and work closely with each client to make sure everyone gets the personal attention they deserve. The Farah Law Firm can be reached at 817-467-1889 and/or email Michael Farah at mfarah@farahlegal.com. Clients also can reach us via our contact form at www.farahlegal.com/contact-us.

References

<http://www.texas homesforsale.com/articles/getting-help-with-common-real-estate-disputes>